

1 MEUERS LAW FIRM, P.L.  
LAWRENCE H. MEUERS, ESQ. (197663)  
2 KATY KOESTNER ESQUIVEL, ESQ. (*Pro Hac Vice*)  
5395 Park Central Court  
3 Naples, FL 34109  
Telephone: (239) 513-9191  
4 Facsimile: (239) 513-9677  
[lmeuers@meuerslawfirm.com](mailto:lmeuers@meuerslawfirm.com)  
5 [kesquivel@meuerslawfirm.com](mailto:kesquivel@meuerslawfirm.com)

6 COOLEY GODWARD KRONISH LLP  
MARTIN S. SCHENKER (109828)  
7 WHITTY SOMVICHIAN (194463)  
101 California Street, 5th Floor  
8 San Francisco, CA 94111-5800  
Telephone: (415) 693-2000  
9 Facsimile: (415) 693-2222  
[mschenker@cooley.com](mailto:mschenker@cooley.com)  
10 [wsomvichian@cooley.com](mailto:wsomvichian@cooley.com)

11 Attorneys for Plaintiff/Counter-Defendant  
Natural Selection Foods, LLC  
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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION  
16

17 NATURAL SELECTION FOODS, LLC dba  
18 EARTHBOUND FARMS,

19 Plaintiff/Counter-Defendant,

20 v.

21 RIVER RANCH FRESH FOODS, LLC.,

22 Defendant/Counter-Plaintiff.  
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Case No. 5:07-cv-02548-JW

**JOINT CASE MANAGEMENT STATEMENT**

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The parties hereby provide notice to the court that they have tentatively settled this matter and are currently documenting and finalizing the settlement. The parties expect to submit a stipulation for dismissal to the court as soon as practicable after the settlement agreement is executed and performed.

Plaintiff's Motion to Dismiss Counterclaims and to Strike Affirmative Defenses is pending before this Court. [Docket No. 22] It is currently scheduled for hearing on November 5, 2007. The parties have stipulated to continue the hearing for this motion to January 14, 2007, or the next available date pending documentation of the settlement.

In light of settlement, the parties would like to request that the Case Management Conference currently scheduled for November 5, 2007 also be taken off calendar.

Dated: October 30, 2007

COOLEY GODWARD KRONISH LLP  
MARTIN S. SCHENKER (109828)  
WHITTY SOMVICHIAN (194463)

/s/ Whitty Somvichian

Attorneys for Plaintiff/Counter-Defendant  
Natural Selection Foods, LLC

CHOATE & CHOATE  
JOSEPH CHOATE JR. (39018)  
BRADLEY LEWIS CORNELL (162384)

/s/ Joseph Choate Jr.

Attorneys for Defendant/Counter-Plaintiff  
River Ranch Foods, LLC

**PROOF OF SERVICE****(FRCP 5)**

I am a citizen of the United States and a resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley Godward Kronish LLP, 101 California Street, 5th Floor, San Francisco, California 94111-5800. On the date set forth below I served the documents described below in the manner described below:

• **JOINT CASE MANAGEMENT STATEMENT**

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Fedex for overnight delivery.
- ☐ (BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

Robert Porter Lewis, Jr.  
Choate & Choate  
2596 Mission Street, Suite 300  
San Marino, CA 91108-1679

Executed on October 30, 2007, at San Francisco, California.

/s/ Myrna M. Yee  
Myrna M. Yee